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8791	7590	03/06/2008		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER LUONG, ALAN H	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,371

Applicant(s)

LEE ET AL.

Examiner

ALAN LUONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

The art unit is changed into 2623.

Response to Amendment

This Office Action is responsive to the Amendment filed on 12/ 17 /2007.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-7, 10-12, 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,055167 (Hereinafter US'167) issued to Masters.

Regarding to claim 1: Master discloses a personal channel service providing method for outputting a television (TV) program preferred by a user, which is referred to as a preferred program, through a personal channel of a personal digital recorder (PDR) beginning at a time preferred by the user, which is referred to as a preferred duration, the method comprising the steps of:

(a) receiving content description data (connections 14a of Fig. 3) and instance description data (connections 14b of Fig. 3) of a program to be broadcasted through a

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TV network ("broadcast program" is used to refer to the various kinds of content available from, for example, from the content provider for presentation to the viewer, and may include "live" programming and locally recorded content including audio/video content and still pictures; the broadcast source 2 is coupled to PDR 4 by connection 14a (transmit content data to PDR 4) and 14b (PDR 4 receives instant data from broadcast source 2); see **US'167, Fig. 1, 3 col. 2, line 53 to col. 3, line 13 and col. 6 lines 9-23) and**

(b) determining the preferred duration and the preferred program in the preferred duration based on usage history of the PDR (the viewing menu 40 represents a "history pull down function," the viewer can set up the viewing menu 40 for a particular day of the week using the EPG information and the remote control 16. For example, upon activation of the system 1 and prior to a viewing session, the viewer can display the EPG information for that day and for a desired time window of that day; **see US'167, Fig. 4, col. 7 line 44 to col. 8 line 30)** and updating the instance description data to include the preferred duration and the preferred program; (In the step 210, the procedure selectively updates the viewing menu 40 upon viewer input on the predetermined day of the week to provide for a history of broadcast programs the viewer actually selected on the

predetermined day of the week; **see US' 167, steps 210-214 of Fig. 2 col. 5 lines 12-26).**

c) generating an electronic program guide (EPG Information 26 receives EPG information from external source PVR 4 or locates inside PDR 4) for informing the user that the preferred program is outputted on the personal channel at the preferred duration based on the updated instance description data (the EPG information may be received together with the broadcast programs from the broadcast source 2 and may be separated from the broadcast programs either within the PDR 4 or within a set-top box; **US'167, Fig. 3 col. 5, lines 36- 61);** and

(d) outputting the EPG to the PDR. (the PDR 4 presents the EPG information as a menu from which the viewer may select a broadcast program for watching as a "live" program or for recording; **see US'167, col. 5 lines 56-61).**

Regarding to claim 2. Masters disclose the method as recited in claim 1; also discloses wherein the step b) includes the steps of:

e) selecting the preferred duration, such as day and time(TUESDAY, 10PM), genre preferred in the preferred duration, which is referred to as a preferred genre (CH7 FRASIER) and a predetermined number of preferred program titles (CH 11 NEWS) based on the usage history of the PDR (as discussion in claim 1-b), and generating user preference data (view menu 40) to include the preferred duration

(Submenu 42: Day/Segment), the preferred genre (submenu 44: category name or genre), and the preferred program titles (submenu 44: channel 2 news); (**US'167, see Fig.4 col. 7 line 44 to col. 8 line 49**)

f) if the preferred duration is for watching a program stored in the PDR (**col. 8, lines 31-38**), extracting group information of a program title that belong to the preferred genre among the preferred program titles based on the content description data (**US'167, col. 8, lines 50-58 and Fig.4**); and

g) determining a program following a most recently watched program among the programs that belong to the group as the preferred program in the preferred duration; **see US'167, col. 8 line 50 to col. 9 line 13**)

Regarding to **claim 3**: Masters discloses the method as recited in claim 2, wherein the preferred duration, such as day and time, is selected based on total duration of programs outputted by the PDR in a particular time duration. (limitation of claim 1 of **US'167, col. 9 lines 15-32**).

Regarding to **claim 6**: Masters discloses the method as recited in claim 1; further discloses wherein the step b) includes the steps of:

h) selecting the preferred duration, such as day and time, preferred genre in the preferred duration, and a predetermined number of preferred program titles based on the usage history of the PDR (see claim 1 discussion), and generating user preference data to include the preferred duration, the preferred genre, and the preferred program titles;(same ground rejection of claim 2-e)

i) if the preferred duration is for watching a program broadcasted in real-time (**col. 8 lines 38-49**), extracting a list of real-time broadcasting programs from the instance description data (**Col. 8 lines 50-58**); and

j) determining a program that belongs to the preferred genre among the programs on the list as the preferred program in the preferred duration.(same ground rejection of claim 2-g).

Regarding to **claim 7:same claim 3 ground rejection.**

Regarding to **claim 10**: Master discloses a personal channel service providing apparatus (PDR 4 of Fig. 1, 3; **col. 2 lines 30- 46**) for outputting a TV program preferred by a user, which is referred to as a preferred program, through a personal channel beginning at a time preferred by the user, which is referred to as a preferred duration, the apparatus comprising:

a memory portion for storing a control program; (A central processor is connected into management module 8; Figs.1, 3; **col. 6 lines 44-61**)

a database for storing instance description data , usage history of the personal channel service providing apparatus; (a fixed disk HDD 10 of Figs 1, 3; **col. 6 line 62 to col.7 line 17**)

a display portion for outputting an EPG; (Viewing Menu 40 of Fig. 1, 3 **col. 5 lines 40-61**); and

a processing portion (management module 8) for updating the instance description data based on the user preference data and generating an EPG which

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informs the user that the preferred program is outputted through the personal channel at the preferred duration based on the updated instance description data (**col. 6 lines 4-18**), the processing portion (module 8) being connected to the memory portion, the database (HDD 10), and the display portion. (Viewing Menu 40 on monitor 6 of Figs. 1, 3; **col.7 line 18 to col. 8 line 58**).

Regarding to **claim 11**: same claim 2 ground rejection.

Regarding to **claim 12**: same claim 3 ground rejection.

Regarding to **claim 15**: same claim 6 ground rejection.

Regarding to **claim 16**: same claim 7 ground rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, 8-9, 13-14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.7,055167 (US'167) issued to Masters; in view of US Patent No. 7,212,730 (Hereinafter US'730) issued to Boston et al.

Regarding to claim 4: Masters discloses the method as recited in claim 2; but fails to teach wherein a genre of a program that occupies the longest duration among the programs.

Boston, the same endeavor, teaches wherein a genre of a program that occupies the longest duration among the programs outputted by the PDR in the preferred duration is selected as the preferred genre. (Genre field 430 is used to identify the types of programs the user enjoys watching; (see **col. 6 lines 20-38**); and Metadata 540 maintained for the program may include the program title 550, the length of program 565, the genre of the program 580. The metadata is searchable by the DVR in selecting a program that based on the user's preferences; that user is likely to enjoy watching; see US'730, **col. 6 lines 44-54 and Fig. 4**). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify a metadata maintained for the length of a genre program as taught by Boston in the PDR of Masters; in order to create a personal channel based on category's user.

Regarding to **claim 5**: Boston discloses the method as recited in claim 2, wherein the preferred program titles are selected based on the program duration outputted by the PDR, the EPG, and a frequency of program information exposure. (**US'730, Fig.19 col. 16 lines 19-62 and Fig. 25 col. 20 lines 36 to col. 21 line 29**).

Regarding to claim 8: same ground rejection of claim 4.

Regarding to claim 9: same ground rejection of claim 5.

Regarding to claim 13: same claim 4 ground rejection.

Regarding to claim 14: same claim 5 ground rejection.

Regarding to claim 17: same claim 8 ground rejection.

Regarding to claim 18: same claim 9 ground rejection.

5. Claims 19-23, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,055,167 (Hereinafter US'167) issued to Masters; in view of US Pub. No. 20030126600 A1 (US'600) to Heuvelman.

Regarding to claim 19. (New) Masters teaches a personal channel service providing method comprising the steps of:

a) receiving content description data (**see US' 167, col. 3 lines 1-13; Fig. 2 step 200-206; col.3 line 31-col.4 line47**) and instance description data of broadcasting programs (**step 208, Fig. 2 col. 4 lines 48-60**)

b) determining a broadcasting program (**col. 2 lines 58-67**) which is included in the personal channel based on user preference data, the content description data (recorded program is transmitted from service provider (2 of Fig.3), and instance description data (the current watching program at user's EPG (26 of Fig. 3) (**see Fig. 3, col. 5 line28 to col. 7 line 43; Fig. 4 col. 7 line 53 to col. 8 line 19**);

c) updating the instance description data to include information of the determined broadcasting program (**see US' 167, steps 210-214 of Fig. 2 col. 5 lines 12-26**); and

d) generating an electronic program guide (EPG) (module 26 of Fig. 3) based on the content description data and the updated instance description data (**see US' 167, Fig. 3 col. 5 line 36 to col. 6 line 18; Fig. 4 col. 8 line 20 to col. 9 line 13**).

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However, Masters fails to teach generating a personal channel.

Heuvelman, the same endeavor, teaches generating a personal channel (Multiple personalized content information channels can be created, each respective one thereof being associated with, e.g., a respective topic such as "movies", "educational documentaries", "sports", "shows", etc., or "westerns", "musicals", "movies featuring Katherine Hepburn", "science fiction movies", etc. Alternatively, or in addition, respective channels are created for respective members of the family so that everyone has his/her own personalized channel with content information according to his/her profile; see US'600, ¶¶0005-¶¶0009, Under control of the profile, and the available content information, system 100 of Fig. 1; creates a personalized channel for this user with content information segments, e.g., programs, played out back to back, or, in other words, without the user having to switch channels, or switch content providing resources; see ¶¶0063). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the generating a personal channel as taught by Heuvelman in the personal channel service of Masters; in order to increase the user-friendliness and level of user control regarding program selection.

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Regarding to claim 20. (New) Masters teaches the user preference data is updated in accordance with user history information (sub menu 42, 44 in view menu 40 of Fig. 4; **see US' 167, col. 8 lines 3- 30**).

Regarding to claim 21. (New) Masters also teaches the user history information includes information of user action (based on sub menu 42, 44 in view menu 40 of Fig. 4; user can Edit or Execute the viewing menu) when the user reviews the broadcasting program in the EPG. (**See US' 167, col. 8 line 31-col. 9 line 13**).

Regarding to claim 22. (New) Masters further teaches the content description data includes program information and group information. (sub menu 44 contains channels and category group; **See US' 167, Fig. 4 col. 8 lines 3- 30**).

Regarding to claim 23. (New) Masters teaches the method as recited in claim 19, wherein the instance description data includes program location and service information (**see Fig. 3 col. 5 line 28 to col. 7 line 43**).

Regarding to claim 25. (New) Masters discloses a personal channel service providing apparatus (system as block 1 of Fig. 1) comprising:

a collecting unit for collecting content description data and instance description data of broadcasting programs (PDR unit 4; **US'167, block 4 of Fig. 3 , col. 3 lines 1- 30**);

a user profile unit for providing user preference data to the collecting unit (EPG module 26 provides the EPG information to PDR unit 4; **Fig. 3 col. 5 lines 40-61**); and

a personal channel controller (a management module 8 of Fig. 3) for

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generating an electronic program guide (EPG) based on the content description data and the updated instance description data (the management module 8 is in communication with the EPG module 26 via a connection 28; based on the viewing menu 40 or a viewer input, "selects" the requested broadcast program via the connection 14b and receives the selected broadcast program from the broadcast source 2 via the connection 14a. The connections 14a, 14b are therefore labeled as "CONTENT" and "SELECTION," respectively; **col. 6 lines 4-18).**

However, Masters explicitly fails to disclose generating a personal channel and determining a broadcasting program which is included in the personal channel based on user preference data.

Heuvelman, the same endeavor, teaches generating a personal channel (Multiple personalized content information channels can be created, each respective one thereof being associated with, e.g., a respective topic such as "movies", "educational documentaries", "sports", "shows", etc., or "westerns", "musicals", "movies featuring Katherine Hepburn", "science fiction movies", etc. Alternatively, or in addition, respective channels are created for respective members of the family so that everyone has his/her own personalized channel with content information according to his/her profile; see **US'600, ¶0005-¶0009,**

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¶0063) and determining a broadcasting program which is included in the personal channel based on user preference data (user's profile relates to the creation of one or more virtual TV channels containing only programs which match predefined criteria, e.g., implicitly derived from a user's TV watching profile, explicitly defined by a user; see ¶0008).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the generating a personal channel as taught by Heuvelman in the personal channel service of Masters; in order to increase the user-friendliness and level of user control regarding program selection.

Regarding to claim 26. (New) Same claim 20 ground rejection.

Regarding to claim 27. (New) Same claim 21 ground rejection.

Regarding to claim 28. (New) Same claim 22 ground rejection.

Regarding to claim 29. (New) Same claim 23 ground rejection.

6. Claims 24, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters and Heuvelman; in view of Boston et al.

Regarding to claim 24. (New) The method as recited in claim 19, Masters fails to teach wherein the user preference data includes a user's preferred day and time, genre, or title.

Boston, the same endeavor, teaches the user preference data includes a user's preferred day and time, genre, or title. (Metadata 540 maintained for the program may include the program title 550, the length of program 565, the genre of the program 580. The metadata is searchable by the DVR in selecting a program that based on the user's

preferences; that user is likely to enjoy watching; see US'730, col. 6 lines 44-54 and Fig. 4).

Regarding to claim 30. (New) Same claim 24 ground rejection.

Response to Arguments

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ALAN LUONG** whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./

Examiner, Art Unit 2623.

Date: Feb 28, 2008


SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER